

Settlement/Hearing: May 23rd, 2018
Time: 10:00 A.M.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----x

IN RE:

Chapter 13
Case No. 18-22045 RDD

LISA M. CHANG,

NOTICE OF SETTLEMENT

Debtor(s)

-----x

PLEASE TAKE NOTICE, that an *Order*, a true copy of which is annexed hereto, will be presented for signature to the Hon. Robert D. Drain, United States Bankruptcy Judge, on the 23rd day of May, 2018 at 10:00 A.M., at the United States Bankruptcy Court, 300 Quarropas Street, White Plains, New York.

Hearings on Objections, if any, to be conducted same place, date and time.

Written objections or counterorders must be submitted to chambers by no later than close of business *three (3) days prior* to settlement.

Dated: White Plains, New York
April 5th, 2018

/s/ Krista M. Preuss
Krista M. Preuss (KMP7299)
Chapter 13 Trustee
399 Knollwood Road
White Plains, New York 10603
Chapter 13 Tel. No. 914-328-6333

TO: United States Trustee
201 Varick Street # 1006
New York, New York 10014

Lisa M. Chang
21 Francis Terrace # 1-B
Yonkers, New York 10704

Asher B. White, Esq.
1404 Coney Island Avenue
Brooklyn, New York 11230

JP Morgan Chase Bank, NA
P.O. Box 29505 AZ1-1191
Phoenix, Arizona 85038

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

----- -X

IN RE:

Chapter 13
Case No. 18-22045 RDD

LISA M. CHANG,

Debtor(s)

----- -X

ORDER DISMISSING CHAPTER 13 CASE

The trustee having moved, on due notice, for an order dismissing this chapter 13 case, and, upon the motion and the record of the May 23, 2018 hearing thereon, the Court having found that the debtor has failed to comply with 11 U.S.C. §1307(c)(1) and 11 U.S.C. §521(i) and (e)(2)(A)(i) having created unreasonable delay that is prejudicial to creditors, in that the debtor failed to be examined at the scheduled §341(a) meeting of creditors; failed to provide the required documentation, in part, payment advices and evidence of other payments received within 60 days, and seven days before to the §341(a) meeting of creditors, Federal and New York State tax returns for several years prior to filing, and the Court also having found that that the debtor's proposed chapter 13 plan is not feasible and that the debtor is unable to confirm a plan, and further, pursuant to §109(e) for failure to qualify under chapter 13; and good cause appearing,

IT IS ORDERED THAT:

This chapter 13 case is hereby dismissed. The chapter 13 trustee shall take all actions required by the dismissal of this case.

Dated: White Plains, New York
May , 2018

UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

----- -X

IN RE:

Chapter 13
Case No. 18-22045 RDD

LISA M. CHANG,

TRUSTEE'S AFFIDAVIT

Debtor(s)

----- -X

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss.:

Krista M. Preuss, being duly sworn, deposes and says:

1. She is the standing Chapter 13 Trustee.
2. The debtor filed a Chapter 13 proceeding on January 10th, 2018.
3. The debtor failed to comply with the provisions of 11 U.S.C. §1307(c)(1).
4. The debtor is in violation of 11 U.S.C. §521(i) of the Bankruptcy Code which requires the debtor to file in part, payment advices and evidence of other payments received within 60 days.
5. The debtor is in violation of §521(e)(2)(A)(i) of the Bankruptcy Code which requires the debtor to provide *seven (7) days prior to the §341(a) meeting of creditors* ,copies of federal and state tax returns for the most recent years preceding the commencement of the case.
6. Upon information and belief, the plan has failed to be served upon creditors.
7. The debtor failed to be examined at a §341(a) meeting of creditors..
8. The debtor fails to qualify under Chapter 13 pursuant to §109(e) on the ground that the debtor's unsecured debt listed at \$1,504,365.00 far exceeds the \$394,725.00 limitation.

9. At the aforesaid confirmation hearing held on March 28th, 2018, the debtor's case demonstrated infeasibility and an inability to confirm.

10. The unreasonable delay created by the debtor is prejudicial to creditors.

WHEREFORE, the trustee respectfully requests that the annexed order dismissing this case be signed.

/s/ Krista M. Preuss
Krista M. Preuss

Sworn to before me this
5th day of April, 2018
/s/ Jody L. Kava

Jody L. Kava
Notary Public, State of New York
No. 02KA4836806
Qualified in Westchester County
Term Expires: 10/31/21

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

IN RE:

Chapter 13

Case No. 18-22045 RDD

LISA M. CHANG,

Debtor(s)

-----X

CERTIFICATE OF SERVICE

Lois Rosemarie Esposito, duly certifies:

I am not a party to the action herein, I am over the age of 18 years and reside in the
County of Westchester, State of New York.

On April 5th, 2018, I served a true copy of the within document, to the herein listed
parties at the address(es) designated for that purpose, by mailing same in a properly sealed envelope
with postage prepaid thereon, in an official depository of the United States Postal Service within the
State of New York to the following:

TO: United States Trustee
201 Varick Street # 1006
New York, New York 10014

Lisa M. Chang
21 Francis Terrace # 1-B
Yonkers, New York 10704

Asher B. White, Esq.
1404 Coney Island Avenue
Brooklyn, New York 11230

JP Morgan Chase Bank, NA
P.O. Box 29505 AZ1-1191
Phoenix, Arizona 85038

/s/ Lois Rosemarie Esposito
Lois Rosemarie Esposito